

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MONTY GERALD MCCLURE,

Defendant.

CR 17-08-M-DLC

ORDER

United States Magistrate Judge Jeremiah C. Lynch entered Findings and Recommendation in this matter on June 14, 2017. Neither party objected and therefore they are not entitled to *de novo* review of the record. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). This Court will review the Findings and Recommendation for clear error.

McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

Judge Lynch recommended this Court accept Monty Gerald McClure’s guilty plea after McClure appeared before him pursuant to Federal Rule of Criminal Procedure 11, and entered a plea of guilty to one count of robbery

affecting commerce in violation of 18 U.S.C. § 1951(a) (Count I), and felon in possession of a firearm in violation of 18 U.S.C. § 922(g) (Count III), as set forth in the Indictment. Defendant further admits to the forfeiture allegation. In exchange for Defendant's plea, the United States has agreed to dismiss Counts II and IV of the Indictment.

I find no clear error in Judge Lynch's Findings and Recommendation (Doc. 29), and I adopt them in full, including the recommendation to defer acceptance of the Plea Agreement until sentencing when the Court will have reviewed the Plea Agreement and Presentence Investigation Report.

Accordingly, IT IS ORDERED that Monty Gerald McClure's motion to change plea (Doc. 24) is GRANTED and Monty Gerald McClure is adjudged guilty as charged in Counts I and III of the Indictment.

DATED this 7th day of July, 2017.



Dana L. Christensen, Chief District Judge
United States District Court